

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants – Panchayat Raj & Rural Development Department, - Mandal Parishad Development Officers – Allegation of corruption against Sri T.Z.Gnan Paul, formerly Mandal Parishad Development Officer, Machavaram, Guntur District – Anti-Corruption Bureau trap case – Trapped on 5-12-2003 – Entrustment the case to the Tribunal for Disciplinary Proceedings - Imposition of punishment of demotion to lower rank – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.IV) DEPARTMENT

G.O.Rt.No. 1623

Dated:-30-10-2008.

Read the following:-

1. From the Deputy Superintendent of Police, Anti-Corruption Bureau, Vijayawada Range, Automex message, No.782, Dt:- 6.12.2003.
2. Proceedings of the District Collector, Guntur Rc.No: 8800/2003-P1, Dated:- 9.12.2003.
3. Govt.Memo.No: 2232/Vig.IV.A2/2004-2, Dated:- 13.7.2005.
4. Tribunal for Disciplinary proceeding's Enquiry Report No., in TEC No.3 of 2006, Dated:- 21.5.2007.
5. Govt.Memo.No: 2232/Vig.IV.A2/2004-6, Dated:- 1.10.2007.
6. Explanation of Sri T.Z.Gnan Paul, MPDO., Dated:- 26.11.2007

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ORDER:-

In the reference 1st read above, it has been brought to the notice of the Government that Sri T.Z.Gnan Paul, Mandal Parishad Deveopment Officer, Machavaram Mandal, Guntur District has been trapped by the Anti-Corruption bureau authorities on 5.12.2003 when he demanded and accepted an amount of Rs.2,000/- as bribe from the complainant for doing official favour of issuing work order.

2. In the reference 2nd read above, the District Collector, Guntur has placed him under suspension. In the reference 3rd read above, Government have entrusted the case to the Tribunal for Disciplinary Proceedings for his defense before the T.D.P., to conduct enquiry into the allegations.

3. The Tribunal for Disciplinary Proceedings have submitted their enquiry report in TEC No.3/2006, on 21.5.2007 with a recommendation that though prosecution has failed to prove the charge clinchingly, the integrity of the Charged Officer is suspicious and he should be kept under surveillance for a particular period and to some extent case of prosecution is proved.

4. Government have examined the enquiry report and material made available, and found that the charge framed against Sri T.Z.Gnan Paul, Mandal Parishad Development Officer taken as wholly proved on the following grounds:-

P.T.O.

- I) positive chemical test;
- II) Recovery of tainted amount from the left side table drawer of the CO at the instance of the CO;
- III) Pendency of official favour with the CO
- IV) If the CO had no necessity to receive the amount (as hand-loan) he would not have counted the same and allowed the PW.2 to keep the amount in his table drawer. He could have made some effort to return the money if he was so honest. Hence his version is not acceptable;
- V) The quite contradictory statements given by the PW.1 & PW.2 show that they were won over by the CO;
- VI) The prosecution is successful in bring home the guilt according to the charge made against the CO to the extent preponderance of probability and some material evidence on record. The money paid was not towards any lawful collection or legal remuneration. No man would pay to an official for not doing any official favour;
- VII) The TDP has not given much importance to the facts spoken by PWs.4 & PW.5 (mediators). Their evidence should be given much credence, because they are government officials and they cannot speak any falsehood with regard to any act of government;;
- VIII) The TDP's opinion that the prosecution could not prove the offence in total is not acceptable. In departmental inquiries, the offence need not be proved in total, as in the case of a criminal trial;
- IX) The inquiry by the TDP is like a departmental inquiry. The I.A. (member, TDP) erred in expecting direct / definite / clinching evidence. Rule of establishing guilt beyond reasonable doubt as applicable to criminal trial, not applicable to departmental inquiry;
- X) Once trap amount is found in the possession of the accused, the burden shifts on him to explain the circumstances to prove his innocence (B.Hanumantha Rao Vs.State of AP 1992 Cri.L.J. SC 1552 – Decision No.355, p.717, Volume-III);
- XI) Keeping an employee under surveillance is not a penalty and it is a part of administration. Further the requirement of recommending penalty by the I.A. has already been dispensed with. The conclusion of the Member, TDP is not logical.

5. Accordingly, in the reference 5th read above, Government have communicated the Tribunal for Disciplinary Proceedings's report along with disagreement factors to Sri T.Z.Gnan Paul, Mandal Parishad Development Officer, with a request to submit his explanation, if any, on the report and the disagreement factors thereon.

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6. In the reference 6th read above, Sri T.Z.Gnan Paul, Mandal Parishad Development Officer, has submitted his explanation.

7. Government, after careful examination of the explanation submitted by Sri T.Z. Gnan Paul, Mandal Parishad Development Officer,, in the 6th read above and material on record, have decided to impose a penalty of demotion to a lower rank against Sri T.Z.Gnan Paul, Mandal Parishad Development Officer.

8. Accordingly, Government, hereby, impose the penalty of demotion to a lower rank against Sri T.Z.Gnan Paul, Mandal Parishad Development Officer, Guntur District.

9. The Commissioner of Panchayat Raj & Rural Employment, Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT**

To

The Commisisoner of PR&RE., Hyderabad.

Sri T.Z.Gnan Paul, MPDO., Guntur District through the Commisisoner of PR&RE., Hyderabad

Copy to:-

The District Collector, Guntur.

The Director-General, Anti-Corruption Bureau, Hyderabad.

The Secretary to APVC., Hyderabad.

The Accountant-General, Andhra Pradesh, Hyderabad.

The District Treasury Officer, Guntur.

SF/Sc.

//Forwarded : By Order//

SECTION OFFICER